

**Notice of Allowability**

Application No.

10/625,741

Examiner

Shelley Self

Applicant(s)

MITCHELL ET AL.

Art Unit

3725

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/20/05.
2. ☒ The allowed claim(s) is/are 13,15-17,26,28-31 and 33.
3. ☒ The drawings filed on 6/20/05 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

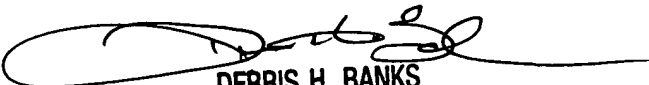
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

  
**DERRIS H. BANKS**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

## DETAILED ACTION

### *Response to Amendment*

The amendment filed on June 20, 2005 is sufficient to overcome the prior art reference.

### *Allowable Subject Matter*

Claims 13, 15-17, 26, 28-31 and 33 are allowed.

The following is an Examiner's statement of reasons for allowance: As noted in the previous Office Action, the prior art of record does not disclose or fairly suggest, an apparatus for sawing a work piece comprising a *simultaneous pivotable movement of said pair of chipping heads, a pair of anvils, said anvils laterally translatable or press rolls pivotally mounted for pivoting each press roll simultaneously with lateral translation* in combination with the rest of the claimed limitations as set forth in claims 13, 15-17, 26, 29, 31 and 33.

The prior art, Bowlin et al. (4,879,659) teaches a log/work piece processing system, wherein a scanner (34) is utilized to determine the log/work piece (30) dimensions, which are analyzed via a computer (90). Bowlin teaches that the computer controls movement of chipping heads (48), profiling heads (60) and sawing means (68, 123) so as to cut a board of optimal size without waste resulting from any initial curvature of the log/workpiece. Although, Bowlin teaches the chipping heads and sawing means to be moveable, Bowlin does not disclose the chipping heads to be pivotable as set forth in claims 13, 26, 29, 31 and 33.

The prior art, Raybon et al. (5,722,474,) teaches a log processing system for cutting cants into boards, wherein a scanning means (14) is used to sense the log/work piece (W), the scanning

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station located upstream from the log/work piece path relative to a downstream cutting tool (140, 20). Raybon further teaches, the cutting tool to encompass chipping heads (140) and a gang saw (20) such that the chipping heads are slidably mounted (col. 2, lines 63-68). The chipping head slide movements are controlled via a computer (col. 3, lines 12-14). Raybon teaches the chipping heads (140) mounted to slide (142) on rod (144) such that the rotation of the rod (144) in one direction will move the chipper heads (140) inwardly and rotation of the rod in the opposite direction will move the chipper heads (140) outwardly. Raybon also teaches the sawing means/gang saw (col. 1, lines 40-46) to be moveable via controls of the computer. Raybon does not, however disclose or fairly suggest the chipping heads to be pivotable as set forth in claims 13, 26, 29, 31 and 33.

Stroud discloses a log processing system for cutting cants wherein a cant is scanned (26) and passed to a movable chipping means (34) and cutting head (38). The chipping means and cutting head being positionable and controlled via a computer (90) such that a profile of the cant is created and an optimal cutting profile is determined. Stroud teaches the use of press hold down rolls (32, 36, 40) for holding a log/work piece as it is conveyed to the chipping heads, (34) and cutting station (38). Stroud is silent to any chipping heads being pivotable as set forth in claims 13 and 33; anvils or such being translatable as set forth in claims 15 and 28.

Neither the prior art of record nor any combination thereof discloses the claimed invention as set forth in claims 13, 15-17, 26, 31 and 33

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is (571) 272-4524. The examiner can normally be reached Mon-Fri from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on accessing the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SSelf

August 4, 2005



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